5th Councilmanic District

- * BEFORE THE
 - * ZONING COMMISSIONER * OF BALTIMORE COUNTY
- * Case No. 91-448-A John B. Gontrum, Personal Rep. for the Estate of Mary Gontrum *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a variance from Section 404.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three existing farm buildings with street centerline setbacks of 20 feet, 46 feet, 60 feet, and 70 feet in lieu of the required 75 feet for each, in accordance with Petitioner's Exhibit 1.

The Petitioner, John B. Gontrum, Esquire, in his capacity as personal representative for the Estate of Mary W. Gontrum, appeared and testified. Also appearing on behalf of the Petitioner was Ellwood Sinsky, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 6940 Mt. Vista Road, consists of 190.96 acres more or less zoned R.C. 5, and is the site of a proposed 55-unit subdivision known as Batter Brook Farms. Said property is currently improved with a farm on proposed Lot 55 as depicted on Petitioner's Exhibit 1. Testimony indicated that the variances are necessary due to the fact that the subject buildings are situated on an existing farm lane which will eventually be improved to provide public access to the proposed subdivision. Mr. Gontrum testified that the subject buildings possess historic significance, having been constructed sometime in the early 1800s, and that if the relief requested were denied, the buildings would have to be removed. The comments submitted by the

Office of Planning and Zoning dated June 19, 1991 recognized that "the structures subject to the instant request are landmark outbuildings and, as such, should be preserved". As aforementioned, the requested variances are necessitated by the construction of Gontrum Road as indicated on Petitioner's Exhibit 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Additionally, the granting of the subject relief will serve to preserve the unique historic and aesthetic value provided by the subject buildings.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above. the variance requested should be granted.

- 2-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 1991 that the Petition for Zoning Variance to permit three existing farm buildings with street centerline setbacks of 20 feet, 46 feet, 60 feet, and 70 feet in lieu of the required 75 feet for each, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > - 3**-**

Zoning Commissioner for Baltimore County

JRH:bjs

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JRH:bjs

File

cc: People's Counsel

Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 4042 To Read 3 CKOTING FORM 62 Wass to set lick 20, 46', and so ind 70' in a coasta in hew or Theneworld 75' settlink From the

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 5 Tone 5 Tone 5 Tone 5 Shed (15 x 18 x 10 hegs) STONE SHORE house (10 x 9 x10 height) & UTILITY BOAN (40 x 34 x 31' height) are without Port of Form use and westheties of this small accesse FAR . Resulting prom The susdivision of the larger Fran Truet Removal UP There land make structures are nevenent by land would wreate protected difficulty to presence open space when and subdivision consignation

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and affirm,
	under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
(Type or Print Name)	(Type or Prime Name) 769
Signature	Signature
Address	(Type or Punt Name),
City and State	Signature 199
Attorney for Petitioner:	
(Type or Print Name)	Address Phone No.
Signature	City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	Address Phone No.
	OFFICE USE ONLY
1	ESTIMATED LENGTH OF HEARING -1/2HR. (+1) AVAILABLE FOR HEARING

William K. Woody, L.S.

KCW Consultants, Inc. Civil Engineers and Land Surveyors

1777 Reisterstown Road Commercentre, Suite 175 Baltimore, Maryland 21208 Douglas L. Kennedy, P.E.

91-448-H

(301) 484-0894 / 484-0963 Fax (301) 486-3010

Proposed Lot No.55 Batter Brook Farms, Eleventh Election District, Baltimore County, Maryland

May 6, 1991

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCES.

BEGINNING at a point on the Northwest side of Belair Road, U.S. Rte 1, as proposed to be widened to 110 feet wide, at a distance of 2333 feet Northeast of the centerline of Mount Vista Road, thence

(1) South 89 degrees 10 minutes 21 seconds West 1692.23 feet; thence (2) North 10 degrees 29 minutes 05 seconds East 257.31 feet; thence

 $^{'}$ (3) South 89 degrees 10 minutes 21 seconds West 200.00 $^{'}$ (4) North 11 degrees 27 minutes 16 seconds West 337.76

(5) North 31 degrees 53 minutes 50 seconds West 135.00 (6) North 25 degrees 28 minutes 19 seconds West 270.00 feet to a point on the Southeast side of proposed Gontrum Road, proposed 40 feet wide; thence binding on the Southeast side of proposed Gontrum Road, (7) North 64 degrees 31 minutes 41 seconds East 385.52

feet; thence (B) by a curve to the left, having a radius of 740.00 feet, an arc length of 336.66 feet and a chord bearing North 51 degrees 29 minutes 42 seconds East 333.76 feet; thence (9) North 38 degrees 27 minutes 42 seconds East 93.17

feet; thence (10) by a curve to the left, having a radius of 635.00 feet, an arc length of 97.14 feet and a chord bearing North 34 degrees 04 minutes 45 seconds East 97.05 feet to the beginning of the fillet line joining the Southeast side of proposed Gontrum Road with the South side of proposed Connection Road, proposed 40 feet wide; thence (11) North 73 degrees 04 minutes 13 seconds East 23.35 feet; thence binding on the South Side of proposed Connection

page 1 of 3

(12) South 63 degrees 33 minutes 23 seconds East 44.03 feet; thence (13) by a curve to the left, having a radius of 521.00 feet, an arc length of 151.39 feet and a chord bearing South 71 degrees 52 minutes 51 seconds East 150.86 feet to the beginning of the fillet line joining the South side of proposed Connection Road with the East side of proposed Lower Field Court; thence (14) South 33 degrees 41 minutes 34 seconds East 20.02 - feet; thence binding on the East side of proposed Lower Field Court, (15) South 00 degrees 22 minutes 41 seconds East 154.15 feet; thence leaving the East side of proposed Lower Field Court and running, (16) South 66 degrees 41 minutes 02 seconds West 271.53 feet; thence (17) South 21 degrees 35 minutes 58 seconds East 112.31 feet; thence (18) South 09 degrees 25 minutes 00 seconds East 240.00 feet; thence (19) South 14 degrees 19 minutes 34 seconds East 245.85 feet; thence (20) South 21 degrees 23 minutes 59 seconds East 79.48 feet: thence (21) South 63 degrees 15 minutes 07 seconds East 139.98 feet; thence (22) North 74 degrees 52 minutes 34 seconds East 38.33 feet; thence (23) North 41 degrees 24 minutes 18 seconds East 270.65 (24) North 87 degrees 53 minutes 36 seconds East 94.32 (25) South 01 degrees 05 minutes 54 seconds East 272.10 feet; thence (26) South 86 degrees 53 minutes 10 seconds East 517.65 feet: thence (27) South 03 degrees 06 minutes 50 seconds West 43.36 feet; thence (28) South 20 degrees 54 minutes 08 seconds East 106.51 feet; thence (29) South 61 degrees 17 minutes 24 seconds East 297.33 feet to a point on the Northwest side of Belair Road: thence binding on the Northwest side of Belair Road and running, (30) by a curve to the right, having a radius of 11404.16 feet, an arc length of 23.01 feet and a chord bearing South

page 2 of 3

37 degrees 19 minutes 51 seconds West 23.01 feet to the point

of beginning, containing 1,183,073.85 square feet or 27.16 acres more or less.

BEING part of that parcel of land which by Deed dated June 19, 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B. No. 1112, Folio 338 was granted and conveyed by Joseph H. Scheper to John B. Gontrum and Mary von W Gontrum, his wife.

page 3 of 3

Baltimore County Government **Zoning Commissioner** Office of Planning and Zoning

887-3353

July 19, 1991

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE NW/S Belair Road, 2333' NE of the c/l of Mt. Vista Road (6940 Mt. Vista Road) 11th Election District - 5th Councilmanic District John B. Gontrum, Personal Representative for the Estate of Mary W. Gontrum - Petitioners Case No. 91-448-A

Dear Mr. Gontrum:

111 West Chesapeake Avenue

Towson, MD 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391. Very truly yours,

In the event any party finds the decision rendered is unfavor-

Zoning Commissioner for Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF SALTIMORE COUNT

Y	91-1118-11

District 11th	Date of Posting 6/3/91
Posted for: Laria Mu f	
Tolor Gontrum.	PR of Milon trum
Location of property: 2333' ME / MT	Vista Ros 15-7447 AS
6940 Minista Ro	
Location of Store Taxing Milita	Rd. , oppoin 16 Fr. too dway
Location of Signer Taking Milista of entrone to property +	607 6 10 to be 20 Med.
Remarks:	
Posted by	Date of return: 4/25/91
Signature	
Bumber of Signs:	

The Zoning Commissioner of Battimore County, by suthority of the Zoning Act and Regulations of Battimore County, by suthority of the Zoning Act and Regulations of Battimore County will hold a public identified herein in Room 106 of the County Office Building, located at 111 W. Chesapsette Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-448-A
NW/S Betair Road, 2333' NE of cl Mr. Vista Road
6940 Mr. Vista Road
6940 Mr. Vista Road
11th Election District
5th Councilmanic
Petitioner(s):
John Gontrum, Personal
Representative of Marityn
Gontrum
Hearing Date: Wednesday,
July 10, 1991 at 9:00 a.m. Variance: to permit 3 existing term by term buildings to setback 20 ft. 46 ft. and 60 ft. and 70 ft. on a corner in lieu of the required 75 ft. setback from the centerline of adjoining streets.

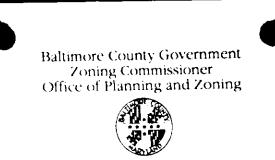
J. ROBERT HAINES
Zoning Commissioner of
Battimore County
N/J/6/1 N/J/6/104 June 13.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish-

ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER



111 West Chesapeake Avenue Towson, MD 2120+

887 3353

May 31, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-448-A NW/S Belair Road, 2333' NE of c/1 Mt. Vista Road 6940 Mt. Vista Road 11th Election District - 5th Councilmanic Petitioner(s): John Gontrum, Personal Representative of Marilynn Gontrum HEARING: WEDNESDAY, JULY 10, 1991 at 9:00 a.m.

Variance to permit 3 existing farm buildings to setback 20 ft., 46 ft. and 60 ft. and 70 ft. on a corner in lieu of the required 75 ft. setback from the centerline of adjoining streets.

Zoning Commissioner of Baltimore County

cc: John Gontrum

CERTIFICATE OF PUBLICATION

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NW/S Belair Road, 2333 NE
of c/I Mt. Vista Road
6940 Mt. Vista Road
11th Election District
5th Councilmanic
Petitioner(s):
John Gontrum, Personal
Representative of Marilyn
Gontrum
Hearing Date: Wednesday,
July 10, 1991 at 9:00 a.m. Variance: to permit 3 existing farm buildings to setback 20 ft., 46 ft. and 60 ft. and 70 ft. on a corner in lieu of the required 75 ft. setback from the centerline of adjoining streets.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
N/J/6/104 June 13.

TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

THE JEFFERSONIAN,

in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on ______, 19_____.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zöning

Towson, MD 21204

June 18, 1991

887-3353

Mr. John Gontrum 814 Eastern Blvd Baltimore, MD 21221

111 West Chesapeake Avenue

RE: Item No. 439, Case No. 91-448-A Petitioner: John Gontrum, et al Petition for Variance

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED: jw

Enclosures

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Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Towson, Maryland 21204

CONTRACTOR AFTER A PREED

TRICE

Account: R-001-6150 Number

191,0439

FOTAL: \$35.00

04404#0058MICHRC Please Make Checks Payable To: Baltimore County 09:26AM05-20-91

\$35.00

Ballimore County Zouing Commisioner
County Office Building 121 West Chesopeake Avenue Fowson, Moryland 21204

*crount, R-001-615.)

(Comber

Cashier Validation

Please Make Checks Payable To Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

- 111 West Chesapeake Avenue Towson, MD 2120+

887-3353

Your petition has been received and accepted for filing this 5th day of June, 1991.

ZONING COMMISSIONER

Petitioner: John Gontrum, et al Petitioner's Attorney.

Office of Planning and Zoning

Baltimore County Government

887 3353

Zoning Commissioner

111 West Chesapeake Avenue Towson, MD 21204

DATE: 4/24/9/

John Gontrum, Esq. 819 Eastern Boulevard Baltimore, Maryland 21221

Case Number: 91-448-A NW/S Belair Road, 2333' NE of c/l Mt. Vista Road 6940 Mt. Vista Road 11th Election District - 5th Councilmanic Petitioner(s): John Gontrum, Personal Representative of Marilynn Gontrum HEARING: WEDNESDAY, JULY 10, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 75.76 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines DATE: June 19, 1991 Zoning Commissioner

Office of Planning and Zoning

SUBJECT: John Gontrum, Item No. 439

Pat Keller, Deputy Director

In reference to the petitioner's requested Variance, staff

offers the following comment: The structures subject to the instant request are landmark outbuildings and, as such, should be preserved. Saving them will be

a positive benefit to the development of the Batter Brook Farms. Staff supports the applicant's request provided that the buildings not be altered in any way to detract from their unique historic, aesthetic value.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM439/ZAC1

Contast Toppa Read Saste Set Lowson ME 21204 See

1.30 1.30 1. 1.200

MAY 31, 109]

J. Robert Haines
Soming Commissioner
Office of Planning and Toring
Baltimore County Office Building
Towson, MD 21204

FE: Property Owner: JOHN CONSTUM

Location: #6

#6940 NT. VISTA ROAD

ltem No.: 439 Zoning Agenda: JUNE 4, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Fureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Frevention Bureau has no comments at this time.

REVIEWER: Approved Approved Fire Prevention Eureau Special Inspection Division

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JK/FFK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991

RE: Zoning Advisory Committee Meeting for June 4, 1991

FROM: Robert W. Bowling, P.E.

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The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432,, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group

Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

Robert W. Bowling, F.E. Chief. Developers Engineering Division

RWB: B

received

BUREAU OF TRAFFIC ENGINEERING

DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

91-042 A 7/0/11

Z.A.C. MEETING DATE: June 4, 1991

SUBJECT: Z.A.C. Comments

Please see the C.R.G. comments for items number 432, 439 and 444.

Rechee 1 family

RJF/lvd

LAW FIRM

FAX # 686-0118

Romadka, Gontrum & Hennegan, P. A.
814 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274

ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN

DONALD H. SHEFFY
NANCY E. DWYER*
SHARON R. GAMBLE
MARY H. BUCHANAN
*Also admitted in Florida



91-448-A

J. Robert Haines, Esq.
Zoning Commissioner for Baltimore County
County Office Building
110 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Batterbrook Farm Item #439

May 24, 1991

Dear Mr. Haines:

In the above-referenced case we have asked for setback variances for existing farm buildings from the centerline of a proposed subdivision road. This matter was reviewed at C.R.G. in May of 1990, and subsequently agreements were negotiated with the local community association, The Greater Kingsville Civic Association.

The property currently is in the estate of my grandmother, and we are crying to wind up the estate and to pay the estate taxes. To do this we have to proceed with the subdivision to sell off at least some of the property. Obviously, we can not do this unless the variance issue is decided.

Accordingly, we would appreciate your consideration in obtaining a hearing date as soon as possible on the variance requests. If further information is necessary, please do not hesitate to contact

Very truly yours,

John B. Gontrum

